

DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the
Yuba Project

USDA Forest Service, Tahoe National Forest
Yuba River Ranger District
Sierra County, California

DECISION AND RATIONALE

I have read the Yuba Project Environmental Assessment (EA), reviewed the analyses contained in the Project Record, including documents incorporated by reference (Appendix E of the EA), and fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the *Tahoe National Forest Land and Resource Management Plan* (1990) as amended, and public comments, I have selected Alternative A, which includes a modification to the mechanical thinning treatments in Units 30 and 34 to retain 50 percent or greater canopy cover in these units. My decision is based on a review of the record, which demonstrates that a thorough environmental analysis, using best available science, was completed for this Project.

Alternative A is fully described in the EA, Chapter I on pages 12-29 and Chapter II, pages 31 - 32. Under Alternative A, the Forest Service will conduct thinning and prescribed fire treatments in specific locations where the effects of the activities would reduce potential wildfire intensity, provide defensible space to existing structures, reduce accumulations of dead and down fuels and small diameter decadent live fuels, improve overall forest health and resiliency, and enhance ecosystem structure and function across a broader landscape on National Forest System lands in the Yuba Project area.

Standard management requirements included in Alternative A to reduce and avoid adverse impacts are described in the EA, Chapter II, Management Requirements Common to All Action Alternatives (pages 43 - 55), and in the Best Management Practices (BMPs), described in the EA, Chapter II, page 55.

My reasons for selecting Alternative A are:

- 1) Alternative A would effectively achieve the project Purpose and Need (described on pages 7-12 in the EA), especially when compared to the Alternative B, the No Action alternative.
 - a. Alternative A addresses the need to improve the resilience and adaptive capacity of the red fir and mixed-conifer forest ecosystems within the Yuba Project area using forest thinning, aspen restoration, and prescribed fire treatments to improve the quality and quantity of hardwoods, wildlife habitat quality and landscape connectivity, and conifer plantation health and fire resilience. In addition, Alternative A includes mechanical, manual, and smothering treatments to control existing non-native invasive plant infestations and to prevent introduction and establishment of new infestations.

- b. Alternative A improves public safety along roads and trails as well as safety and reliability along electrical distribution lines within the Project area through hazard tree removal and forest fuels reduction by hand cutting small trees and shrubs, hand piling, and pile burning.
 - c. Alternative A reduces fuel loading in areas of dense, smaller trees and thick undergrowth through both mechanical and hand thinning treatments (particularly in plantations) and prescribed fire, including pile burning and underburning.
 - d. Alternative A includes use of prescribed fire to rejuvenate shrubfields to enhance the quality of forage for wildlife.
 - e. Alternative A allows fire to be reintroduced into the area's fire adapted ecosystems through the use of prescribed fire.
 - f. Alternative A decommissions roads that are unauthorized or no longer needed.
 - g. Alternative A restores meadow ecosystems by targeting removal of conifers that are encroaching on meadows.
 - h. Alternative A improves non-motorized recreation opportunities through construction of a non-motorized trail (approximately 0.75 miles long) to connect the Haskell Peak Trail with the Chapman Creek Trail.
- 2) Alternative A provides for protection of forest resources, including water quality, cultural and historical resources, and riparian areas. It will protect and maintain habitat for Threatened, Endangered, and Sensitive plant and animal species and Management Indicator Species.
- 3) Alternative A implements: (1) applicable standards and guidelines contained in the *Tahoe National Forest Land and Resource Management Plan* (1990) as amended by the *Sierra Nevada Forest Plan Amendment Record of Decision* (SNFPA ROD 2004) and (2) Project-specific management requirements and best management practices (BMPs) for protecting water quality (EA, Chapter II, pages 41-53, Management Requirements common to all action Alternatives; EA, Chapter II, page 53, Best Management Practices) and Riparian Conservation Guidelines contained in the Project Record. Implementing these measures will ensure that potentially adverse environmental effects are mitigated.
- 4) Alternative A addresses the requirement in NEPA to consider "the degree to which the action may adversely affect" a given resource. I have considered the degree to which this Project's actions add cumulative effects to the various resources. I conclude that the mitigation measures included in Alternative A reduce effects from the Yuba Project to a level of non-significance for all affected resources, while still accomplishing the purpose and need for the project.

ALTERNATIVES CONSIDERED

Three alternatives were considered, **Alternative A - the Proposed Action**, **Alternative B - No Action**, and **Alternative C - the CSO (California Spotted Owl) Interim Recommendations Alternative**. These alternatives are described in detail in Chapter II of the EA, and analyses of their environmental effects are presented in Chapter III of the EA.

PUBLIC INVOLVEMENT

On March 9, 2016, over 120 scoping letters for the Yuba Project were mailed to interested and potentially affected parties, including landowners with property near and adjacent to the Project area. A public scoping notice was published in Grass Valley's *The Union* newspaper on March 14, 2016 and in Downieville's *The Mountain Messenger* on March 17, 2016. As a result of this public scoping, a total of eleven individuals or entities submitted timely specific written letters of comment, and in addition, 49 requests to be kept informed were received. The comments were reviewed to identify any issues and determine whether additional alternatives were needed in the Environmental Assessment. The Yuba Project was included in the Tahoe National Forest Schedule of Proposed Actions dated October 1, 2015 and all subsequent issues.

A preliminary EA was mailed to those individuals and organizations who responded during scoping, contacted the District and requested a copy, or otherwise indicated an interest in the Yuba Project. Additionally, a legal notice announcing the 30-day opportunity to comment on the preliminary EA was published in the newspaper of record, Grass Valley's *The Union* on October 5, 2017, and in Downieville's *Mountain Messenger* on the same day. Five commenters submitted timely written comments during this 30-day comment period. Responses to these comments are attached to this DN/FONSI.

Concerns raised by commenters are addressed in the responses to comments attached to this decision and in the final version of the Yuba Project EA. Several commenters raised concerns that the proposed mechanical thinning treatments in California spotted owl home range core areas (HRCAs) were not consistent with *Sierra Nevada Forest Plan Amendment Record of Decision* (SNFPA ROD 2004) standards and guidelines. Additional analyses were conducted and documented in the responses to comments and EA to demonstrate and disclose this decision's consistency with SNFPA ROD standards and guidelines for mechanical thinning in HRCAs. Commenters also requested additional disclosures related to scenery (visual quality) impacts and economic impacts of the Project. New sections addressing these topics were added to the EA. Because the preliminary EA was modified, based on concerns raised during the 30-day comment period, a final, revised Yuba Project EA was posted on the Tahoe National Forest website for the 45-day objection filing period. Three objections were filed on the Yuba Project. (See the "Administrative Review Opportunities and Outcomes" section below.)

FINDING OF NO SIGNIFICANT IMPACT

I have determined that this action will not significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the effects analysis documented in the Yuba Project EA, and considers the following factors listed in 40 CFR 1508.27:

(a) Context -- This project would not pose significant effects either in a local context or in the broader context of the Tahoe National Forest (EA, pp. 72 - 73).

(b) Intensity:

(1) Beneficial and adverse effects – Benefits of this project were not used to offset adverse impacts, and adverse impacts of this project are not significant even when separated from its benefits (EA, pp. 73 – 152).

(2) **Public health and safety** -- Implementation of this project will not cause any significant effects relative to public health and safety (EA, pg. 152 - 153).

(3) **Unique characteristics of the geographic area** -- This project would not have any significant effects on unique characteristics of the geographic area (EA, pg. 153).

(4) **Controversy** -- Public involvement has not identified any legitimate scientific controversy regarding the effects of this project (EA, pg. 154 - 163).

(5) **Uncertainty, unique or unknown risks** -- Effects of implementing the selected Alternative are not highly uncertain, nor do they represent unique or unknown risks (EA, pg. 163).

(6) **Precedence** -- This action does not establish a precedent for future actions or represent a decision about future management considerations (EA, pg. 163).

(7) **Cumulative impacts** -- This action would not cause any significant, cumulative environmental impacts (EA, pp. 163 - 179).

(8) **Cultural and historical resources** -- This action would not pose any significant adverse effects on cultural or historical resources (EA, pg. 179).

(9) **Endangered or threatened species or its habitat** -- Biological Evaluations have been completed that include analyses of potential effects to federally listed (endangered, threatened) or proposed species. These reports determine that there are no effects from any of the alternatives to any federally threatened, proposed species, or their designated Critical Habitat (EA, pp. 179 - 180).

(10) **Federal, State, or local law or requirements** -- The selected alternative conforms to all applicable Federal, State, and local laws and requirements (EA, pp. 180 - 186).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I find that all actions included in Alternative A are consistent with direction in the *Tahoe National Forest Land and Resource Management Plan* (1990) as amended by the *Sierra Nevada Forest Plan Amendment Record of Decision* (2004). All actions meet *National Forest Management Act (NFMA)* requirements (EA, pp. 180 - 183).

The Project is in full compliance with the Endangered Species Act, the Clean Air Act, the Clean Water Act and the National Historic Preservation Act.

ADMINISTRATIVE REVIEW OPPORTUNITIES AND OUTCOMES

A draft of this decision was subject to objection pursuant to 36 CFR 218, Subparts A and B. In accordance with 36 CFR 218.7(b), the EA and a draft Decision Notice/Finding of No Significant Impact (DN/FONSI) for the Yuba Project was made available to those who had requested the documents or were eligible to file an objection in accordance with 36 CFR 218.5(a). Only those who submitted project-specific written comments during scoping or other designated comment periods were eligible to file an objection.

A legal notice, initiating the 45-day objection filing period was published in Grass Valley's *The Union*, on February 22, 2018. The Reviewing Officer, Deputy Regional Forester Bernie Gyant, received timely objections from: Chad Hanson and Justin Augustine on behalf of The John Muir Project of the Earth Island Institute (JMP) and Center for Biological Diversity (CBD); Ben Solvesky on behalf of Sierra Forest Legacy (SFL), and Dick Artley. SFL participated in a resolution meeting with the Reviewing Officer, Responsible Official, and staff from the Regional Office and Tahoe National Forest on May 9, 2018. Mr. Artley and JMP/CBD declined to attend the resolution meeting. On May 10, 2018 SFL withdrew their objection on the Yuba Project.

During the resolution meeting with SFL, I agreed to modify the mechanical thinning treatments in Units 30 and 34 under Alternative A to retain 50 percent or greater canopy cover (EA, pg. 13). Accordingly, stand data for canopy cover and stand density index (SDI) were adjusted for these two units in the EA (pp. 95 - 96 and Appendix D, Tables 1 and 3) and Silvicultural Report. The Biological Evaluation/Biological Assessment (BE/BA) for Terrestrial and Aquatic Wildlife were also updated to account for post-treatment canopy cover of 50 percent or greater in Units 30 and 34 (BE/BA, pp. 75 - 76). In addition, an error in the reported SDI projections for Unit 34 under Alternative C was corrected. The corrected SDI data indicate that retaining 50 percent canopy cover in Unit 34 (under both Alternatives A and C) would effectively maintain stand density levels below 60 percent max SDI over the 50-year projection period. (See EA, Appendix D, Tables 3 and 10.)

On May 29, 2018, the Reviewing Officer issued a written response to the Yuba Project objections, pursuant to 36 CFR 218.11(b). The Reviewing Officer instructed me to complete specific items (listed below) before this decision was signed. He also provided several suggestions for me to consider to strengthen the environmental analysis and my decision. The Yuba Project EA and specialist reports have been updated to address the Reviewing Officer's instructions and suggestions as indicated below:

Instructions:

- Include a discussion of how you considered best available and opposing science for the Project (EA, pp. 153 - 162 and Appendix H. Yuba Project Opposing Science).
- Clarify the difference between temporary roads, skid trails, and new road construction within the Project (EA, pp. 14, 18 - 19 and Appendix I. Yuba Project Roads Map).
- Expand on the rationale for not including an alternative that would reduce the miles of new road construction (EA, pg. 29).

Suggestions

- Provide conclusions for the cumulative effects analysis in the recreation specialist report (EA, pg. 177).
- Ensure adequate discussion of the smoke effects to the public from prescribed burning (EA, pg. 113)
- Identify the goal of road decommissioning within the Project (EA, pg. 19).

- Clarify how the aspen delineation document explains the intent of aspen restoration for the project. Clarify the prescription and marking guidelines for aspen restoration objectives (EA, pp. 15 - 16 and Appendix G – Yuba Project Marking Guidelines)

The updated Yuba Project EA and specialist reports are posted on the Tahoe National Forest website.

Implementation Date

Implementation of the Yuba Project may occur immediately after resolution of any timely objections that are not set aside from review. In accordance with 36 CFR 218.12(b), I have addressed the concerns and instructions identified by the Reviewing Officer in his objection response for the Yuba Project (dated May 29, 2018) in the updated Yuba Project EA and specialist reports.

In accordance with 36 CFR 220.7(d), interested and affected parties will be notified of the availability of the decision as soon as practicable after the decision is signed. Implementation of the Project is expected to begin in the fall of 2018.

CONTACT PERSON

For further information concerning this decision, contact: Roger Brown, Project Leader, or Dennis Stevens, Environmental Coordinator, Yuba River Ranger District, 15924 Highway 49, Camptonville, CA 95922, phone (530) 478-6253.



Eli Ilano – Forest Supervisor
Responsible Official, Tahoe National Forest



Date

Attachment A: Responses to Comments

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